

## **REMARKS**

### **Introduction**

Claims 1 – 14 were originally filed with the present application. In response to a previous Office Action, claims 2, 3, 8, and 9 were cancelled and claims 15 and 16 were added. In response to the March 4, 2005 Office Action, claims 1, 7, 15, and 16 have been amended and claims 17 – 19 have been added. No new matter has been added. Accordingly, claims 1, 4 – 7, and 10 – 19 are presently pending for consideration in this application.

### **Claim Rejections**

#### **35 U.S.C. § 112**

Claims 15 and 16 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 15 and 16 have each been amended to remove the limitation of an “upper surface” of the track and to include the limitation that “abutment between said movable wall and said track inhibits said movable wall from movement away from the perpendicular position.” Applicant respectfully submits that claims 15 and 16, as amended, are clearly shown in the drawings, and especially in Figure 2. Accordingly, applicant respectfully submits that claims 15 and 16 are no longer indefinite and respectfully requests withdrawal of the rejection based on 35 U.S.C. § 112, second paragraph.

#### **35 U.S.C. § 102(b)**

Claims 1, 5 – 7, and 11 – 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,053,553 to Hespelt. A claim is said to be anticipated where each and every limitation of the claim can be found in a single reference. Claims 1 and 7 have been amended to

more particularly describe the invention. Support for the amendment to independent claim 1 can be found, for example, at page 4, lines 5 – 9 of the specification. Support for the amendment to independent claim 7 can be found, for example, at page 4, lines 16 – 22 of the specification and in Figures 1 and 2. As such, no new matter has been added. As will be discussed in greater detail below, applicant respectfully submits that the invention described in independent claim 1, as amended, is not disclosed or suggested by the Hespelt ‘553 patent. Likewise, applicant respectfully submits that the invention described in independent claim 7, as amended, is not disclosed or suggested by the Hespelt ‘553 patent. Accordingly, the rejection based on 35 U.S.C. § 102(b) is respectfully traversed.

### **35 U.S.C. § 103**

Claims 4 and 10 were rejected under 35 U.S.C. § 103 as being unpatentable over the Hespelt ‘553 patent in view of U.S. Patent No. 4,278,376 to Hunter. As will be discussed in greater detail below, applicant respectfully traverses this rejection.

### **The Prior Art**

#### **Hespelt ‘553 Patent**

The Hespelt ‘553 patent discloses a device 15 for variable subdivision of a trunk 11 of a vehicle 10. The device 15 includes five partitions 18, 19, 20, 21, 22 connected to one another by hinge joints 17. The front partition 18 is movable, but is secured in position via a locking device 24. The locking device 24 includes two locking pins 27, 28 that fasten in holes 33 formed in the floor covering 13 of the trunk 11. (Col. 4, ll. 23 – 54.) However, the Hespelt ‘553 patent does *not* disclose or suggest a movable wall supported for sliding movement along a track and held in position along the track via friction as claimed in amended independent claim 1. Also, the Hespelt ‘553

patent does *not* disclose or suggest a wall extension supported for movement relative to the movable wall and adapted for adjusting the height of the movable wall as claimed in amended independent claim 7.

### **Hunter '376 Patent**

The Hunter '376 patent discloses a load restraining apparatus 10 mounted to a load space 27 of a cargo vehicle 26. The apparatus 10 includes a cargo restraining member 20 with attached slide assemblies 22. The slide assemblies 22 slideably move within slotted rail assemblies 12. Locking means 24 clamps against the slotted rail assemblies 12 to prevent longitudinal movement of the slide means 22 and the attached cargo retaining member 20. (Col. 4, ll. 59 – 68 and Col. 5, ll. 1 – 4.) In one embodiment, the apparatus 10 include extending members 75 that permit the transverse end portions 73 of the cargo restraining means 20 to be transversely adjusted. (Col. 6, ll. 33 – 56.) However, the Hunter '376 patent does *not* disclose or suggest a movable wall supported for sliding movement along a track and held in position along the track via friction as claimed in amended independent claim 1. Also, the Hunter '376 patent does *not* disclose or suggest a wall extension supported for movement relative to the movable wall and adapted for adjusting the height of the movable wall as claimed in amended independent claim 7.

### **The Slide Out Trunk Space Storage System of the Present Invention**

In contrast to the related art, amended independent claim 1 clarifies the invention claimed as a trunk space storage system that includes at least one track and a movable wall. The movable wall is disposed in a generally perpendicular position in relation to the track. The movable wall is also substantially inhibited from movement away from the perpendicular position. Furthermore, the

movable wall is supported for sliding movement along the track and ***held in position along the track via friction.***

Likewise, in contrast to the related art, amended independent claim 7 clarifies the invention claimed as a trunk space storage system that includes at least one track and a movable wall. The movable wall is disposed in a generally perpendicular position in relation to the track. The movable wall is also substantially inhibited from movement away from the perpendicular position. Furthermore, the movable wall is supported for sliding movement by the track. The trunk space storage system also includes a wall extension that is supported for movement relative to the movable wall and is ***adapted for adjusting the height of the movable wall.***

#### **Argument**

##### **35 U.S.C. § 102(b)**

Independent claims 1 and 7 have been amended in a way that clearly distinguishes the present invention from the prior art of record and are submitted herein in an attempt to secure early allowance of the claims. In the absence of such early allowance, the amendments made to the claims herein place them in a better form for consideration on appeal. More specifically, applicant respectfully submits that the trunk space storage system of claim 1 is not disclosed or suggested by the Hespelt '553 patent. The Hespelt '553 patent ***merely*** discloses a device 15 with five partitions 18, 19, 20, 21, 22 connected to one another by hinge joints 17, including a movable front partition 18 that is secured with two locking pins 27, 28 that fasten in holes 33 formed in a floor covering 13. As such, the device 15 of the Hespelt '553 patent ***lacks*** a movable wall that is ***held in position along a track via friction*** as claimed in claim 1. Also, none of the partitions 18, 19, 20, 21, 22 can be adjusted in height. As such, the device 15 of the Hespelt '553 patent ***lacks*** a wall extension

supported for movement relative to a movable wall and *adapted for adjusting the height of the movable wall* as claimed in claim 7.

The Hespelt '553 patent fails to disclose a trunk space storage system that includes at least one track and a movable wall that is disposed in a generally perpendicular position in relation to the track, that is substantially inhibited from movement away from the perpendicular position, that is supported for sliding movement along the track, and that is held in position along the track via friction as claimed by applicant in claim 1. Therefore, it is respectfully submitted that claim 1 is allowable over the rejections under 35 U.S.C. § 102(b). Claims 5 and 6 are each ultimately dependent upon claim 1 and add perfecting limitations. Therefore, it is respectfully submitted that claims 5 and 6 are also allowable over the rejections under 35 U.S.C. § 102(b).

Furthermore, the Hespelt '553 patent fails to disclose a trunk space storage system that includes at least one track, a movable wall disposed in a generally perpendicular position in relation to the track, inhibited from movement away from the perpendicular position, and supported for sliding movement by the track, and a wall extension supported for movement relative to the movable wall and adapted for adjusting the height of the movable wall as set forth in claim 7. Therefore, it is respectfully submitted that claim 7 is allowable over the rejections under 35 U.S.C. § 102(b). Claims 11 through 14 are each ultimately dependent upon claim 7 and add perfecting limitations. Therefore, it is respectfully submitted that each of claims 11 through 14 are also allowable over the rejections under 35 U.S.C. § 102(b).

### **35 U.S.C. § 103**

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (C.C.P.A. 1974); M.P.E.P. § 2143.03. Applicant respectfully submits that neither the Hespelt '553 patent nor the

Hunter '376 patent, standing alone or in combination, disclose or suggest the claim limitations of claim 1. Likewise, applicant respectfully submits that neither the Hespelt '553 patent nor the Hunter '376 patent, standing alone or in combination, disclose or suggest the claim limitations of claim 7.

Applicant respectfully submits that the Hespelt '553 patent does not teach or suggest a movable wall that is ***held in position along a track via friction*** as claimed in claim 1 for the same reasons given above in relation to the rejection under 35 U.S.C. § 102(b). Also as stated above, applicant respectfully submits that the Hespelt '553 patent does not teach or suggest a wall extension supported for movement relative to a movable wall and ***adapted for adjusting the height of the movable wall*** as claimed in claim 7 for the same reasons give above in relation to the rejection under 35 U.S.C. § 102(b).

In regard to Hunter '376, that patent ***merely*** discloses a load restraining apparatus 10 with a cargo restraining member 20 with transversely-extending extension members 75 and attached slide assemblies 22 that slideably move within slotted rail assemblies 12, and that is retained by locking means 24 that clamp against the respective slotted rail assembly 12. As such, the apparatus 10 of the Hunter '376 patent ***lacks*** a movable wall that is ***held in position along a track via friction*** as claimed in claim 1. Also, the cargo restraining member 20 can be adjusted in length but not in height. As such, the apparatus 10 of the Hunter '376 patent ***lacks*** a wall extension supported for movement relative to a movable wall and adapted for ***adjusting the height of the movable wall*** as claimed in claim 7.

None of the cited references, standing alone or in combination, teach or suggest a trunk space storage system that includes at least one track and a movable wall that is disposed in a generally perpendicular position in relation to the track, that is substantially inhibited from movement away from the perpendicular position, that is supported for sliding movement along the track, and that is

held in position along the track via friction as claimed by applicant in claim 1. Therefore, it is respectfully submitted that claim 1 is nonobvious under 35 U.S.C. § 103.

If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03. Claim 4 is dependent upon claim 1 and adds perfecting limitations. Therefore, it is respectfully submitted that claim 4 is nonobvious and allowable over the rejection under 35 U.S.C. § 103.

Furthermore, none of the cited references, standing alone or in combination, teach or suggest a trunk space storage system that includes at least one track, a movable wall disposed in a generally perpendicular position in relation to the track, inhibited from movement away from the perpendicular position, and supported for sliding movement by the track, and a wall extension supported for movement relative to the movable wall and adapted for adjusting the height of the movable wall as set forth in claim 7. Therefore, it is respectfully submitted that claim 7 is nonobvious under 35 U.S.C. § 103.

Claim 10 is dependent upon claim 7 and adds perfecting limitations. Therefore, it is respectfully submitted that claim 10 is nonobvious and allowable over the rejections under 35 U.S.C. § 103.

#### **New Claims 17 – 19**

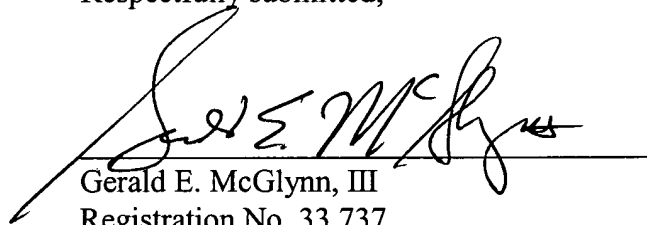
As noted above, claims 17 through 19 have been added to the application by way of this Amendment. Support for claims 17 through 19 can be found at page 3, lines 21 – 23, page 4, lines 13 – 22, and page 5, line 14 of the specification and in Figures 1 – 3. As such, no new matter was added. New claims 17 and 18 are ultimately dependent upon claim 7 and adds perfecting limitations.

New claim 19 is dependent upon claim 1 and adds perfecting limitations. Therefore, it is respectfully submitted that claims 17 through 19 are each in condition for allowance.

**Conclusion**

Applicant respectfully submits that the amendments set forth herein overcome the references of record in this case. Accordingly, Applicant respectfully solicits the allowance of the pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. McGlynn, III", is written over a horizontal line.

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